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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,894	03/07/2002	Kevin Fretwell	124-00110	1142

26753 7590 09/26/2003

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EXAMINER

MICHALSKY, GERALD A

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 09/26/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,894

Applicant(s)

FRETWELL, KEVIN

Examiner

Gerald A. Michalsky

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 11 August 2003 is: a) ☐ approved b) ☒ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The proposed drawing correction filed on 11 August 2003 is disapproved. In Figure 1B of the proposed replacement drawing sheet filed 11 August 2003, reference signs "10a" and "10b" are transposed. In other words, in Figure 1B, "10a" should be -- 10b--and "10b" should be --10a--. Another proposed drawing correction with Figure 1B properly corrected should be filed in response to this action in order to avoid abandonment.

2. The prior rejections are withdrawn in view of applicant's arguments on page 5, line 21 through page 8, line 11 of the response filed 11 August 2003. New grounds of rejection follow.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Bouilloux et al. These claims are anticipated by Figures 19 and 20 of Bouilloux et al. Passage 8 of Figure 19 of Bouilloux et al is read as a "cavity". Non-return valves 29A and 29B of Figure 19 of Bouilloux et al are read as "first and second valve members".

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bouilloux et al in view of Neuzeret et al. Claims 2-3 are considered met by Figures 19-20 of Bouilloux et al except that the non-return valves 29A and 29B of Figure 19 of Bouilloux et al are not shown as spring biased. Non-return valves 7 and 11 of Neuzeret et al show that it is well known to utilize spring biased non-return valves in a backflow prevention system. It would have been obvious in view of the spring biased non-return valves 7 and 11 of Neuzeret et al to provide a spring bias for at least one of the non-return valves 29A and 29B of Figure 19 of Bouilloux et al in order to provide a positive closing force therefore. Claim 5 is considered met by Figures 19-20 of Bouilloux et al except that the valve member 29A of Figure 19 of Bouilloux et al is not disclosed as being formed of two parts. Neuzeret et al shows a non-return valve 7 having two parts (a disc 9 and a stem). It would have been obvious in view of the non-return valve 7 of Neuzeret et al to substitute a non-return valve having two parts for the non-return valve 29A of Figure 19 of Bouilloux et al.


7. Claim 7 is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald A. Michalsky whose telephone number is (703) 308-1049. The examiner can normally be reached on M-F 5:30 AM - 2 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Rivell, can be reached on (703) 308-2599. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 3753

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.


Gerald A. Michalsky
Primary Examiner
Art Unit 3753

GM
September 22, 2003